

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APRIL 12, 2004

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
LEN MCDONALD
STEPHEN RIVERA

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

ABSENT: MICHAEL REIS
JOSEPH MINUTA

REGULAR MEETING

MR. KANE: We're going to get started with some of the preliminary hearings and do those, that's why we have him sitting here so that he can give me the right answers, since the preliminary, what New Windsor does is we hold a preliminary hearing to get an idea of what you want to do and you can get an idea of what we're looking for, okay. A lot of towns you come in cold, boom, you do it. So by law, everything has to be done in a public hearing. The preliminary is just an informal meeting that we do so we're all on the same page so we can go ahead and get started on the preliminary meetings and but for the public hearings

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we're definitely going to need the, at least three members of the board here. Okay?

FRANCIS BEDETTI (04-20)

MR. KANE: Request for 7 ft. front yard setback for proposed front porch at 5 Continental Drive in an R-4 zone. Tell us what you want to do, speak up so the young lady doesn't glare at me.

MR. BEDETTI: I've got an existing front porch on my residence now I applied for a building permit because I, that was originally built, it never had a building permit, since then, I have requested a building permit because I want to put a roof over top of that. So in doing that, I don't meet the setbacks off the property line and basically the size of that is 6 x 26 the existing front porch.

MR. KANE: You want to put a roof over this existing porch?

MR. BEDETTI: Correct.

MR. KANE: Anything to do with the steps?

MR. BEDETTI: That's all part.

MR. KANE: So he's here because it's supposed to be--

MR. BABCOCK: Yes.

MR. KANE: How long has the existing porch been up, approximately?

MR. BEDETTI: Twelve to fourteen years.

MR. KANE: Any complaints formally or informally about the porch?

MR. BEDETTI: No, you know, as you see, it's just aesthetically pleasing to the building.

MR. KANE: Looks nice, goes with the house.

MR. BEDETTI: And to the neighborhood, like I said, when I put it up, I never had a permit, I'm just going, you know, taking the right route.

MR. KANE: Old school New Windsor, huh, no permits?

MR. BEDETTI: Yes.

MR. KANE: Cutting down of any trees or substantial shrubbery with the building of it?

MR. BEDETTI: No.

MR. KANE: Create any water hazards or runoffs? Certain questions you may not think apply but we have to ask them.

MR. BEDETTI: No. I understand.

MR. KANE: And obviously if you take the porch away at this point would constitute a financial hardship?

MR. BEDETTI: And I've got no means of entrance or egress from the building.

MR. KANE: So you would consider it a safety issue if you stepped out the front door and there was no porch there?

MR. BEDETTI: Absolutely.

MR. RIVERA: You covered them all. Accept a motion?

MR. KRIEGER: Does it cause the house to visually look like it projects closer to the road than your neighbors?

MR. BEDETTI: Absolutely not.

MR. KRIEGER: Looks like when you drive by and look at it looks like it's the same distance from the road?

MR. BEDETTI: Yeah. Actually, some of my neighbors they project further into the property.

MR. KRIEGER: Closer to the road than you do?

MR. BEDETTI: Yeah, some of the neighbors have received variances for additions and things like that so--

MR. KANE: Okay, I'll accept a motion.

MR. RIVERA: Entertain a motion that we set Mr. Francis Bedetti up for his requested 7 foot front yard setback for the proposed front porch at 5 Continental Drive.

MR. KANE: I'll second your motion.

ROLL CALL

MR. RIVERA	AYE
MR. KANE	AYE

SHILA PATEL (RITA'S ICE) (04-21)

MR. KANE: Request for the following variances, 2 ft. 7 inch height requirement for awning sign and two 12 inch x 12 inch additional wall signs and seven 16 inch x 20 inch additional wall signs all at 355 Windsor Highway in a C zone. Okay.

MR. WEIS: This is Shila Patel. My name is Frank Weis. Essentially, what we're asking to do is duplicate what we do at all of our stores, we're converting the P.J.'s Ice Cream on New Windsor or Windsor Highway to a Rita's Water Ice, which is a national chain. There's a picture of one that's recently opened this year. The awning and the dome is our trademark, it's a three foot awning and a dome actually sits 5 feet by 4 feet wide and you want to address that first or should I address everything at once?

MR. KANE: Actually, that to me doesn't look like it's going to be too much of a problem. Nine additional wall signs, let's go there.

MR. WEIS: This is a, Rita's is all walk-up window service so unlike P.J.'s where some of the customers walked in and were served, all of our customers stand out side and order. We have basically four service windows behind stationery glass on either side of the sliding glass these signs are behind glass, the menu boards additionally across the top we have nine signs that we display. Two of those, one of those is our hours of operation, another is the name of the franchise and the other ones, there's a couple that have some information, made fresh daily, fat and cholesterol free, and the other ones show what the products look like that they would be purchasing or more or less a caricature, not really a photograph, they're made of a heavy painted plastic, look very professional so on and so forth.

MR. KANE: Signs are illuminated?

MR. WEIS: The only sign that's illuminated is the dome on here.

MR. KANE: Going to have two domes or one?

MR. WEIS: No, just one, we have a short store front.

MR. KANE: The menus in the windows, they need a permit on that?

MR. BABCOCK: I think since they were coming here, we put it all in, Mr. Chairman, I didn't, typically, the menu on the inside of the window that would be exempt.

MR. KANE: So that knocks out two.

MR. WEIS: Well, I don't think we're addressing those, I think that you have, that's these right here, those are a foot by a foot and then the other, you have two ovals here and the rest are rectangular shaped, these are all roughly 16 x 20.

MR. KANE: Steve, can you see this?

MR. RIVERA: I have this copy here.

MR. KANE: Just to give you fair warning, there's two of us but most guys are really we like to keep the signs as minimal as possible.

MR. WEIS: We're kind of--

MR. KANE: I understand the hours of operation, don't have a problem, don't have a problem with the other 12 x 12, the seven other signs, is there any way to consolidate those?

MR. WEIS: We can do that.

MR. KANE: Give us some options at the public hearing, I want you to give something so you're able to do business and have business coming out of the store but I don't want to sit here and say you can get a variance for seven other signs. Because the variances go with the building itself. Is there a way that we, if I remember correctly, that we can put a conditional on these signs that if it ever stops operation, the signs--

MR. KRIEGER: Well, that's two questions. Can you attach conditions to a variance, you can, to make the variance individual to an individual user is potentially problematic, but given the nature of the application, it's probably going to work out that way anyway because this is a, not the kind of variance that would be commonly sought. Their needs are rather individual.

MR. WEIS: They are also seasonal which I wanted to bring up so when we close for the year, they're all taken down and put away for the winter and we cover our windows with mini blinds or whatever.

MR. KANE: So this is coming down here? These are your windows right here? You're not going to do anything structural on this?

MR. WEIS: No, there's, I think that's where we're at, we're already at that point where we put the windows in, we haven't really done--

MR. KANE: I'm looking at this and they're all in the window which takes a lot of problems away.

MR. WEIS: Except that we have already built out the store front.

MR. KANE: That becomes like a big issue.

MR. WEIS: I have two options, as you said, we could consolidate some of these signs so you'd have the two 12 x 12s and then like two other ones that might be 3 feet long by a foot high or something like that.

MR. KANE: If some of them make sense to be connected together, make it one sign because they're small enough signs and I don't have a problem with that but I want you to be able to walk into a public hearing knowing that we'd probably look for some kind of options on having that many.

MR. WEIS: We try to be flexible with that stuff.

MR. KANE: Okay, any questions, Steve?

MR. RIVERA: Well, the store front was, what's the width right next to the Subway, is that correct?

MR. WEIS: Yeah, about 19 or 20 feet.

(Whereupon, Mr. McDonald entered the room.)

MR. KANE: Steve, your question?

MR. RIVERA: No, that answered it.

MR. KANE: Okay, you ready?

MR. RIVERA: Yes, Mr. Chairman, if you accept a motion.

MR. KANE: Yes, I will.

MR. RIVERA: I move that we set up Shila Patel of Rita's Ice for their request of the following variances, the 2 foot 6 inch height requirement for the awning sign and two 12 inch x 12 inch additional wall signs and seven 16 inch x 20 inch additional wall signs

and I think you made amendments also.

MR. KANE: This is for a public hearing, so you don't have to go there yet.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA AYE

MR. MC DONALD AYE

MR. KANE AYE

MR. WEIS: Can I ask one brief question? You said the dome on the awning you didn't think would be a problem, should we, can I have the sign installed or should I wait till the public hearing?

MR. KANE: No, no, no.

MR. WEIS: I thought you were going to say that, I just wanted to make sure.

MR. KANE: I'm the chairman, I'm not God.

MR. WEIS: Thanks.

ANTHONY ALBANESE (04-22)

Mr. Anthony Albanese appeared before the board for this proposal.

MR. KANE: Request for 16 ft. rear yard setback for proposed deck at 2301 Pioneer Trail in an R-3 zone.

MR. ALBANESE: I'm requesting to get a variance for a deck behind my house.

MR. KANE: You're Anthony Albanese?

MR. ALBANESE: Correct. I don't know what else to say to you, you come out of the back of the house, it's an eight foot by eight foot, you can see it here, we're going to put on two steps to a 16 foot deck, that's what it looks like. Behind me is the park, New Windsor Recreational Park.

MR. KANE: How long has the house been here?

MR. ALBANESE: I moved in two years ago so.

MS. MASON: He's in The Reserve.

MR. KANE: The deck itself is going to take the place of the stairs that come in out of the back door?

MR. ALBANESE: Correct.

MR. KANE: And I will ask even though the pictures are obvious, no cutting down of trees or substantial shrubbery?

MR. ALBANESE: No.

MR. KANE: Will you be creating any water hazards or runoffs with the building of the deck?

MR. ALBANESE: No.

MR. KANE: Is the deck typical in size to other decks in your neighborhood?

MR. KRIEGER: Size and appearance, not identical but similar?

MR. ALBANESE: As far as I know, there's, from what I see on my road of houses, there's no decks, there's mainly patios.

MR. KANE: There's no trick questions, so as you're driving through, you don't feel that there's any, this deck isn't oversized compared to other decks on other homes that you've seen?

MR. ALBANESE: Not at all.

MR. KANE: You don't feel that the deck will change the nature of the neighborhood?

MR. ALBANESE: Not at all.

MR. KANE: These are the new homes over there, fairly new, right, Mike?

MR. BABCOCK: Yes, this is March of 2002, Mr. Chairman.

MR. KANE: I don't have a problem with anybody putting up a deck. I have the problem with the builders building the lot not leaving room for a deck so they can squeeze another house in but that has nothing to do with you. Steve, any questions?

MR. RIVERA: What size is the deck going to be?

MR. KANE: Looks like 14 feet.

MR. BABCOCK: It's actually 18 x 16 total.

MR. ALBANESE: This is going to be 16 feet, I think it's 18 feet, it's 8 x 8.

MR. MC DONALD: Didn't leave you very much room back here, did they?

MR. ALBANESE: No.

MR. MC DONALD: All of them are like this, you can get a cup of coffee from your neighbor without going outside, they're that close. What are we going to do, have all of them coming in?

MR. BABCOCK: Typically, anybody that wants a deck will need a variance, pretty much any size deck so whether if he wanted to put a deck that was 6 x 6, he would be here tonight.

MR. KANE: To be argumentative, does anybody ever bring this stuff up at the planning board?

MR. BABCOCK: Well, as you know, this was a subdivision that was granted approval back in the '70s and we wanted the developer to consolidate some lots and make it bigger, but we weren't successful in doing that and he's building it in the '70s, they didn't include decks as setbacks. Today, we do.

MR. KANE: You're off the hook, Mike. Gentlemen, any other questions?

MR. RIVERA: Will you be going over any water hazards? Did you cover that?

MR. KANE: Yes.

MR. RIVERA: Accept a motion?

MR. KANE: Yes, I will.

MR. RIVERA: That we set up Mr. Albanese for a public hearing on his requested 16 foot rear yard setback for proposed deck at 2301 Pioneer Trail.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE

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KATHLEEN CAMPBELL (04-23)

No show.

MELVIN BYNUM (04-24)

MR. KANE: Request for 11 ft. front yard setback for existing roof over front porch at 237 Oak Street in an R-4 zone.

Mr. Melvin Bynum appeared before the board for this proposal.

MR. KANE: Well, tell us what you want to do.

MR. BYNUM: I live at 237 Oak Street, I have drawings here just in case you want to refer to it. Basically, I have a front porch that's measures 9 foot by 10 foot and I have an aluminum awning over it, I want to replace the aluminum awning with reverse gable roof and when I went for a permit, the gentleman said I need a variance for 11 feet so that's why I'm here.

MR. KANE: You're just replacing the awning, was the deck there?

MR. BYNUM: The deck was there.

MR. KANE: Are we clearing things up, Mike?

MR. BABCOCK: Yes, while he's here with the roof structure, he's bigger than the 6 x 8 projects closer than 35 feet to the front yard so we're going to clear the whole thing up while he's here.

MR. MC DONALD: Just adding a roof to an existing deck?

MR. BYNUM: Correct.

MR. KANE: He had an aluminum roof, he took that down but you're going--

MR. BYNUM: It's still there.

MR. KANE: You're going to take it down?

MR. BYNUM: Yes.

MR. KANE: You haven't had any complaints about the deck or the roof as is right now?

MR. BYNUM: None.

MR. KANE: Cutting down of any trees or substantial vegetation?

MR. BYNUM: No.

MR. KANE: Creating any water hazards or runoffs?

MR. BYNUM: None.

MR. KANE: The front of your house where the porch comes out, does that look like it projects closer to the road than the other homes in your neighborhood?

MR. BYNUM: No, in fact, there's one house that's closer to the road.

MR. KANE: So even with this gable coming out, you won't be the closest?

MR. BYNUM: No, I will not.

MR. MC DONALD: Accept a motion?

MR. KANE: Yes, I will.

MR. MC DONALD: Make a motion we set up Mr. Melvin Bynum for a request 11 foot front yard setback for existing roof over front porch at 237 Oak Street.

ROLL CALL

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MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE

RICHARD FARROW (04-25)

MR. KANE: Request for 7 ft. side yard setback and 23 ft. rear yard setback for existing attached pool deck at 545 Shore Drive in an R-4 zone.

Mr. Richard Farrow appeared before the board for this proposal.

MR. KANE: Sir?

MR. FARROW: Richard Farrow, 454 Shore Drive. What happened is I got a permit to put an above-ground pool which we did and then we decided to put a deck around it.

MR. KANE: And the deck's attached to your house?

MR. FARROW: Well, it's not and it wasn't supposed to be but because I was told because it's within ten feet of the existing house, it's considered an attached deck to the house and so once that happened, I had to follow all the rules for an attached deck.

MR. KANE: All your setbacks changed?

MR. FARROW: Exactly so then I ran out of the space in the back yard because we're on Beaver Dam Lake so the back yard--

MR. KANE: Is out in the lake?

MR. FARROW: Well, the deck doesn't go that far but unfortunately, the property ran out. Then the other surprise I had was that on the side where we're asking for 7 feet when we put the pool in, I think they said if we were 12 feet from the property line we were fine and we were actually 15 but now by putting the deck around it we're out of room.

MR. KANE: All your setbacks change once that deck--I don't remember the 10 foot from the house?

MR. BABCOCK: There's no ten foot. What I think there is is a little confusion there, if you can walk from the house deck from the house to the house deck from the house deck to the pool deck it's considered attached so you can go from one deck to the next deck out to the pool.

MR. FARROW: Well--

MR. BABCOCK: You don't go down on the ground and come back up?

MR. FARROW: The way it is now you do.

MR. KANE: We don't make the rules, we just try to figure out what they are.

MR. BABCOCK: It's considered to be attached the ten foot maybe that was the misunderstanding.

MR. FARROW: We had a stairway coming down from the deck that would land on the pool deck so that probably made it attached.

MR. KANE: Once the steps land on the pool deck you're attached.

MR. FARROW: So the problem is then now we have to consider it as a deck on the house so--

MR. KANE: The deck around the pool you consider the deck to be there for safety issues?

MR. FARROW: Yes, safety and because the back yard is slanted it kind of levels it out so you can sit around the pool.

MR. KANE: The deck itself is similar in size to other decks in the area?

MR. FARROW: Yeah.

MR. KANE: Don't consider it overly big for your neighborhood?

MR. FARROW: No.

MR. KANE: Create any water hazards or runoffs with the building of the deck?

MR. FARROW: No.

MR. KANE: You cut down any trees, substantial vegetation?

MR. FARROW: No.

MR. KANE: Any easements back there? Doesn't seem to be.

MR. FARROW: There's sewer.

MR. KANE: But not where the deck and the pool is?

MR. FARROW: No.

MR. KANE: And once we go to the public hearing, if everything is approved, you understand that you still have to go and pass all the inspections from the building department?

MR. FARROW: Of course. No, as a matter of fact, we called in the inspectors a couple times to help us to make sure it stayed within the spec and then when the third time Frank or Lou, I don't know which said hey, you know, you're going to run into some problems, better get a variance. So unfortunately or

fortunately, do you think I can get this done by the end of this summer or--

MR. KANE: I'll accept a motion.

MR. RIVERA: I make a motion that we set up Mr. Richard Farrow for a public hearing for the requested 7 foot side yard setback and 23 foot rear yard setback for existing attached pool deck at 545 Shore Drive.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE

JOHN BROWN (04-26)

MR. KANE: Request for 6 ft. fence to project closer to the road than existing house at 2702 Colonial Drive in an R-3 zone.

Mr. and Mrs. John Brown appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MR. BROWN: We just want to put a 6 foot fence because more space and on the left side of the house is 12 or 13 feet so if we put it right towards to the right side of the house, it would be uneven. So we wanted to space it out a little more.

MR. KANE: And the reason they're here is two front yards?

MR. BABCOCK: That's correct.

MR. KANE: The fence itself is the main thing on this fence, it's not going to block any view of traffic coming down the road?

MR. BROWN: Absolutely not.

MR. KANE: And the height of the fence itself is similar to other fences that you have seen in the area?

MR. BROWN: Yeah, a lot of fences there.

MR. MC DONALD: It's not, it's a regular stockade fence?

MR. BROWN: It's a white vinyl.

MR. MC DONALD: It's not protruding over any easements or any water, sewer or anything like that?

MR. BROWN: No.

MR. KANE: You won't be cutting down any trees or substantial vegetation?

MR. BROWN: No.

MR. RIVERA: Creating any hazards for drivers at the corners?

MR. BROWN: No cause there's really 25 feet from the curb to the end of the house, we're only going, we only want 12 feet, we have a dog who will jump right over the 4 foot fence, so that took care of that problem.

MR. KANE: You're coming 12 feet off the house to the fence and then there will be 13 feet from the fence to the roadway?

MR. BROWN: Right.

MRS. BROWN: Actually, 13 still on our property and still the area between our property and the end.

MR. KANE: Good, okay, the only thing that I will request for the public hearing if you would is just a picture from the, showing that side to the roadway so we have it in our files, we just don't have one of those.

MR. BROWN: Okay.

MR. KANE: Gentlemen?

MR. MC DONALD: Accept a motion?

MR. KANE: Yes.

MR. MC DONALD: Make a motion that we set Mr. John

Brown up for his public hearing for his request for a 6 foot fence to project closer to the road than the existing house at 2702 Colonial Drive.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE

PUBLIC HEARINGS:

EDWARD BISHOP (04-14)

MR. KANE: Request for 3 ft. side yard and 5 ft. rear yard setback and 33% (3,279 s.f.) developmental coverage for proposed inground swimming pool at 2305 Pioneer Trail in an R-3 zone.

Mr. Edward Bishop appeared before the board for this proposal.

MR. BISHOP: Instead of a ten foot separation from the pool line to my neighbor, I'm requesting a 7 foot so I'm trying to eat into that by 23 feet. And then my rear line instead of having a ten foot line from the pool to the property line, I'm requesting to tap into that by five feet so I'll have a five foot variance request there. I put in my developmental proposed area for walks and patios and the reason for the request is just to maximize the usable space in the back yard and try to prevent the pool from being right upon the exit of the slider in the back of the home.

MR. KANE: And no matter where you place the pool in the back yard you'd be here for some kind of variance?

MR. BISHOP: Yes, shift the pool to the left side of the property line it would be even worse so versus the other side, it provides the best opportunity to just maximize the yard.

MR. KANE: And if it's too close to the house from the back yard to clear the back yard you'd consider that a safety issue coming out of the back of the house to the pool?

MR. BISHOP: Yes.

MR. MC DONALD: Inground?

MR. BISHOP: Yes.

MR. KANE: The size of the pool itself?

MR. BISHOP: Size of the pool I would say an average size pool, there are larger and there are smaller.

MR. KANE: 16 x 32?

MR. BISHOP: I'm sorry, 16 x 37.

MR. KANE: Do you realize that if this passes this evening that you'd still have to meet all of the standards set by the building department for the codes for the pool itself?

MR. BISHOP: Yes, sir, the installation, the company that I have providing the installation is very familiar with the Town of New Windsor rules.

MR. KANE: Who's building it?

MR. BISHOP: George Fatatas (phonetic).

MR. KANE: George is very good.

MR. MC DONALD: I'm looking at this, I'm just trying to, patio is not existing, right?

MR. BISHOP: It's not existing, I was told to propose and overestimate the area.

MR. KANE: They had to put the pool in and it's got to sit before you do the cement work around the outside so everything settles in.

MR. MC DONALD: Not going to be over any easements or any water, sewer, electrical?

MR. BISHOP: No, I'm in The Reserve, the development that has the small lots so--

MR. KANE: Not creating any water hazards or runoffs hopefully with the pool?

MR. BISHOP: No, hopefully it's a good liner.

MR. KANE: Not cutting down any trees or substantial vegetation, substantial trees?

MR. BISHOP: No, as I mentioned to you before, I would have to do a couple for my first initial and I had to do that just recently.

MR. BISHOP: Steve, Len, let's hold on for a minute. Is anybody in the audience here for this particular hearing? Hold on one second, please, Mike's going to bring out a sheet just for your name and address so that we can put it in the record. I would ask you then to when you stand up, just state your name and your address and say whatever you have to say.

MR. BILLIK: Philip Billik, 2307 Pioneer Trail. I don't oppose Mr. Bishop's right to have the pool and the back yard variance, what I do oppose is the violation ten foot property line on the side. And the reason why I say that is because the lot as it's been mentioned before the lots are small, in addition to that, about a year and a half ago, I was here getting preliminary hearing and public hearing for an inground pool, we have the same lot size, same developer for the pool and same size pool, I believe, and the way I situated the pool was on my property so I can get the variance from the back but not affect either neighbor on the side and being that the lots are so small, I feel that's an infringement on my property line on the right where he wants to place the pool and there's ample room to place the pool where he won't affect the neighbor on the right or left-hand side. And that's

basically my contention, it's been done, he has an alternative, I guess for whatever reason he doesn't want to, I know when I came for it, I did it in consideration of my neighbors at that time and being as it's been mentioned before by the board, the property is extremely small and I'd like to keep a little privacy and maintain the property lines that the Town has put in place.

MR. MC DONALD: And looking at that, I'm just looking at if, in other words, if he centered it more.

MR. BILLIK: When I came in front of you, I came in ten feet from this side, didn't affect each neighbor because the property's 100 feet wide, is that it?

MR. KANE: This gentleman wants to put a pool in his back yard and he needs to get certain variances to be able to do that and that's what this meeting is about. So if you have any questions of him about the pool, now is the time to ask and the placement is basically going to be like this. It goes within 500 feet of wherever the residence is, so anybody within that circle would get a mailing.

MR. MENDEZ: So I'm within 500 feet?

MR. KANE: Yes and what he's trying to do is put a pool in back here, he doesn't meet the required offsets for the rear yard or the side yard so if you have anything to say about it, you can, if you don't, you don't have to.

MR. MENDEZ: Put in your pool.

MR. KANE: Just state your name.

MR. MENDEZ: Joe Mendez, 2705 Colonial Drive, New Windsor.

MR. KANE: Thank you.

MR. MC DONALD: Mike, on that looking at this on the right looking at the house looking at the right side I don't see anything here that's 7 foot, why do you need a 30 x 25 foot patio, if you moved your pool over a little bit and that would take you away from there and you wouldn't need this, you wouldn't be as close to the fence.

MR. BISHOP: It's not the patio, I overestimated the size of the patio as I was instructed to do just in case I would like to build a larger patio in the future or if I had enough money to do so the patio is secondary to the pool.

MR. MC DONALD: I just see all this empty space here.

MR. BISHOP: You see all in one shot I was just advised to provide the pool and potential size of the patio that may not even be the size, but I would hate to underestimate the size of the patio and then would like to increase the size later and go through the process over again, so just to clarify the patio is not hampering the size of where the pool's located, just trying to maximize that.

MR. MC DONALD: There's nothing here, it's empty.

MR. BISHOP: It's raw land right now.

MR. RIVERA: Did you look at the possibility of centering it?

MR. BISHOP: It's 3 feet into the Town's regulations, I didn't think it was that aggressive and that's why I kind of put five more towards the back versus five towards the side of my neighbor here.

MR. KANE: For the most part what we try to do not just

with you but we want to give, let people have the use of their yard hopefully staying within whatever the Town regulations are. So if there's a way that you can lose that three feet side and keep your back and still appease your neighbors and go for the least amount of variances you need, I think that's probably a better way to go. Is there any way to shift that over 3 feet so you're not infringing?

MR. BISHOP: As I said, the property is not real open at all in the back and I am just waiting to have the opportunity to put the pool in, you know, I didn't think I'd be asking for anything too aggressively as I stated, if my neighbor put a request in that was rejected, I would not put a request in knowing that they were rejected for a similar request. So unbeknownst to me, I just put a request and just trying to maximize my back yard, that's all.

MR. KANE: So do you want to stick with the initial request that we have right now or do you want to--

MR. BISHOP: I don't see myself impacting my neighbor's property line at all and I thought the installation company that I'm using actually put their pool in as stated and would respect the installation process and make sure that they don't damage or impact the fence at all that they have on their line at this time.

MR. KANE: Anybody else in the audience for this particular hearing? Okay, so we'll close the public portion of the hearing and ask if we had any mailings?

MS. MASON: On the 22nd of March, 39 addressed envelopes were mailed out and I had no responses.

MR. KANE: Okay, gentlemen, any other questions?

MR. MC DONALD: I'm very uncomfortable with the fact that we've got this little bit, why we've got this

great big back yard but not great big but you put it on the right-hand side, if we just moved it over a little bit we're still, you still have plenty of back yard there. I know speaking for myself, I wouldn't want it away from my property line a little bit, that's me and I don't see why you can't move it. That's my personal view.

MR. KANE: What I probably should tell you just to let you know we don't have a full board so we have three guys, you need all three votes just to let you know so if it's two to one, you lose.

MR. BISHOP: What happens if I lose?

MR. KANE: You have to wait at least 6 months to reapply.

MR. BABCOCK: Or change.

MR. KANE: Or change the thing which means if you decided to take the three feet from the side you'd still have to go back, go through the process again.

MR. KRIEGER: Actually, it's three separate requests, not just one, so if he wins on two and loses on one, he'd still have to win for the two, you know.

MR. BISHOP: Just to clarify the three requests are?

MR. KRIEGER: Three foot, five foot and developmental coverage.

MR. MC DONALD: I have no problem with everything else, I just have the problem with he needs 10 proposed 7, why 3, the 3 doesn't seem to me--

MR. BISHOP: So you're suggesting I just have to redo paperwork?

MR. BABCOCK: Actually, you won't have to do any paperwork, I can do it right now, they're asking you to agree to move the pool to the right or the left of the property three more feet, maintain your 10 foot, you'd only be asking for two variances tonight instead of three.

MR. KANE: Just from the pictures in your back yard if there was a big incline over here and that three foot was a hundred percent necessary to get this in, to me, that's a different story, since it's all flat, I don't see the problem with just shifting it over.

MR. BISHOP: It's just raw land right now so--

MR. MC DONALD: To me, the three foot and it makes everybody happy, makes me happy, makes your neighbors happy.

MR. BISHOP: Well, I hope you feel better.

MR. KANE: It's the least amount of variances you need because in all honesty, 33 percent developmental coverage is pretty high.

MR. BISHOP: Okay, I'll go through with the request of making the adjustment.

MR. KANE: With your permission we'll take the three foot side yard variance off.

MR. BISHOP: Yes.

MR. KANE: Strictly going for a five foot rear yard variance and 33 percent developmental coverage.

MR. BABCOCK: That's correct.

MR. KANE: Thank you for working with us on that.

MR. MC DONALD: Yes, thank you.

MR. KANE: Any other questions, gentlemen?

MR. MC DONALD: No.

MR. RIVERA: Not at all.

MR. KANE: Accept a motion.

MR. RIVERA: I move that we grant Mr. Edward Bishop his requested five foot rear yard setback and 33 percent developmental coverage for the inground swimming pool at 2305 Pioneer Drive.

MR. MC DONALD: Second it.

MR. KANE: Just to note that this was 3,279 square feet at the 33 percent so that's in the record.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE

WILLIAM EICH (04-17)

MR. KANE: Request for sign variances as follows, directory sign, 3 ft. height, directory sign, 80 sq. ft. from lot lines, suite 300 wall sign, 3 ft. 6 in. width, suite 100 & 200 wall sign, 3 ft. 6 in. width all on Route 207 in an NC zone.

Mr. William Eich appeared before the board for this proposal.

MR. EICH: My name is William Eich, I'm representing WC Greens Corporation, LLC which is the owners of Stewart Mall. I'm interested in variances on signs that have been hanging for the last 15 years and we're just trying to make them legal. There was a directory sign which is three foot too high that's been standing there as per pictures that I supplied, these are the front views ones you asked at the last meeting to bring in to you, the other ones we're talking only three feet in length, we removed other signs that the building department asked us to take down that some stores had two signs weren't allowed per store.

MR. KANE: Basically, these are all existing signs that have been there?

MR. EICH: Yes.

MR. KANE: We're making them all legal, at this point, you've removed a number of signs that were on the property to clean that up too so you don't feel that this is an unfair request to have these small variances approved.

MR. EICH: See when the new owner bought this property there was 10,000 held in escrow and it's been there for the last six months with the promise of clearing up these violations that were in the mall.

MR. KANE: Cutting down any trees or substantial shrubbery with the signs?

MR. EICH: No, sir.

MR. KANE: Creating any water hazards or runoffs?

MR. EICH: No, sir.

MR. KANE: Are the signs illuminated?

MR. EICH: Lit, some are, some aren't.

MR. KANE: Internally lit?

MR. EICH: Nothing flashing.

MR. KANE: Nothing that would hinder the vision of any drivers going up and down the highway there?

MR. EICH: No, there are plastic covers over the top, if anything, it lights it up for safety and protection if anybody's in there.

MR. KANE: Any complaints formally or informally about the signs over the last couple years to your knowledge?

MR. EICH: None other than the building department.

MR. KANE: At this point, I will open it up to the public hearing. There's nobody in the audience, including the next hearing and we'll close the public portion of the hearing, ask Myra to read mailings.

MS. MASON: On the 26th of March, 15 addressed envelopes were mailed out and I had no responses.

MR. BABCOCK: Mr. Chairman, I'd just like to say the applicant's worked with us a great deal in removing signs that were there long before he was involved in

this project to get this closer to compliance.

MR. KANE: So your feeling is the building inspectors, they've done a good job of clearing up a lot of unnecessary signs and what they're keeping there is what they need?

MR. BABCOCK: Yes.

MR. KANE: Okay, gentlemen, any other questions?

MR. MC DONALD: No.

MR. RIVERA: How many mailings were sent out?

MS. MASON: You weren't listening, 15 envelopes went out on the 26th of March.

MR. KANE: I'll accept a motion if you're ready.

MR. RIVERA: That we grant William Eich for Stewart Mall the requested sign variances as follows, as listed on tax map 3-1-33.1 and 33.2.

MR. KANE: As stated in the agenda is fine.

MR. RIVERA: As stated in the agenda.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE

April 12, 2004

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SEYMOUR BORDEN (04-18)

No show.

FORMAL DECISIONS

1. GOLDSTAR REAL ESTATE, LLC
2. NEW WINDSOR EQUIPMENT RENTAL & SERVICE, LLC

MR. MC DONALD: I'll make the motion we accept both.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE

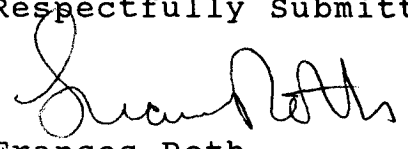
MR. MC DONALD: Motion to adjourn.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE

Respectfully Submitted By:


Frances Roth
Stenographer

4/28/04